

# House Study Bill 277

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL  
BY CHAIRPERSON FREEMAN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to financial assurance for sanitary landfills.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 3029HC 80  
4 kk/sh/8

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1 1 Section 1. Section 455B.306, subsection 8, paragraph b,  
1 2 unnumbered paragraph 1, Code 2003, is amended to read as  
1 3 follows:  
1 4 The operator shall maintain closure, and postclosure  
1 5 accounts. ~~The For private facilities, the~~ commission shall  
1 6 adopt by rule the amounts to be contributed to the accounts  
1 7 based upon the amount of solid waste received by the facility.  
1 8 The accounts established shall be specific to the facility.  
1 9 ~~For facilities operated by a local governmental entity with~~  
1 10 ~~the ability to generate revenue through taxation in addition~~  
1 11 ~~to tipping fees, such as a county, city, or joint entity~~  
1 12 ~~established under chapter 28E, which has provided a financial~~  
1 13 ~~assurance instrument to the department guaranteeing closure~~  
1 14 ~~and postclosure costs pursuant to this section, the amount~~  
1 15 ~~contributed annually to closure and postclosure accounts shall~~  
1 16 ~~be determined by the local government entity.~~

1 17 Sec. 2. Section 455B.306, subsection 8, paragraph d, Code  
1 18 2003, is amended to read as follows:  
1 19 d. Financial assurance instruments may include instruments  
1 20 such as cash or surety bond, a letter of credit, a secured  
1 21 trust fund, ~~or insurance policy,~~ a corporate guarantee, ~~a~~  
1 22 ~~corporate financial test, local government financial test,~~  
1 23 ~~local government dedicated fund, local government guarantee,~~  
1 24 ~~or a combination of any of the above.~~

1 25 EXPLANATION

1 26 This bill provides for governmental entities which operate  
1 27 sanitary landfills to establish the amount contributed to  
1 28 their closure and postclosure accounts rather than the amounts  
1 29 set by the administrative rules of the department of natural  
1 30 resources which require the closure and postclosure accounts  
1 31 to be fully funded prior to closure of the landfill or to have  
1 32 30 years of postclosure funds set aside. Privately operated  
1 33 sanitary landfills would still be required to meet current  
1 34 rules.

1 35 The bill provides for additional acceptable financial  
2 1 assurance instruments which are currently allowable only by  
2 2 administrative rule.

2 3 LSB 3029HC 80

2 4 kk/sh/8